

California Regional Water Quality Control Board
North Coast Region

CLEANUP AND ABATEMENT ORDER NO. R1-2003-0010

FOR

Sebastopol Road Commingled Plume Group

consisting of:

Redwood Oil Company
Robert Barbieri
Gerald Sherman
Massud Ravenfar
Tito and Lilia DeLeon
Charles and Benita Jeppson
Ignacio and Idolina Alvarez
for

760 Sebastopol Road

Baugh Survivor's Trust
James T. Baugh as Trustee
ChevronTexaco
Tosco
PhillipsConoco
for

805 Sebastopol Road

Ultramar, Inc.
Tesoro Refining and Marketing Company
Flyers Beacon LLC
Phillip Bressler Trust
Phillip M. Bressler as Trustee
for

921 Sebastopol Road

Sonoma County

The California Regional Water Quality Control Board, North Coast Region (hereinafter Regional Water Board), finds that:

1. Cleanup and Abatement Order (CAO) No. R1-2003-0010 is issued to the Responsible Parties for three adjacent sites along Sebastopol Road in Santa Rosa, Sonoma County. A group of named parties (claimants) have entered into a written agreement that provides for a coordinated Corrective Action Plan and have met all eligibility requirements for inclusion in the Commingled Plume Account within the State Water Resources Control Board's Underground Storage Tank Cleanup Fund Program (Cleanup Fund). The findings will be presented separately for each site, as follows:

- A. Findings 2-14 concern the former Redwood Oil/BP Station at 760 Sebastopol Road (parcel #125-161-024);
- B. Findings 15-32 concern the former Wilson Baugh Enterprises Station at 805 Sebastopol Road (parcel #125-111-037);
- C. Findings 33-42 concern the Tesoro Station No. 67109 (formerly Beacon Ultramar No. 489) at 921 Sebastopol Road (parcel #125-101-047);
- D. Findings 43-64 concern the Sebastopol Road Commingled Plume Group, which consists of parties associated with all three sites.

The Dischargers are individually identified in findings and are collectively named the Sebastopol Road Commingled Plume Group. The adjacent locations are described in findings as individual "Sites." The collective group of sites is hereinafter the "Commingled Group Site." A map of the Commingled Group Site is contained in Figure 1.

Redwood Oil/BP Station, 760 Sebastopol Road

- 2. From 1953 to 1998, property at 760 Sebastopol Road in Santa Rosa (hereinafter the 760 Sebastopol Road Site) was operated almost continuously as a service station. Robert Barbieri owned the property most years from 1978 to 2000. Redwood Oil Company (Redwood Oil) operated on the property from 1978 to 1984. In 1985, the 760 Sebastopol Road Site was leased to Gerald Sherman to operate. Gerald Sherman operated the service station until 1988. The 760 Sebastopol Road Site was then leased to Massud Ravenfar who operated the service station until 1991. In 1991, Robert Barbieri sold the property to Tito and Liliosa DeLeon who operated at the 760 Sebastopol Road Site until 1996 when the property was sold back to Robert Barbieri. In June 1996, the 760 Sebastopol Road Site was sold to Charles and Benita Jeppson who operated on site until September 1997 when the property was again sold back to Robert Barbieri. The underground fuel tanks and the product lines and dispensers were removed in 1998. In 2000, the 760 Sebastopol Road Site was sold to Ignacio and Idolina Alvarez who remain the current owners of the property. Since late 1997, the only use on the 760 Sebastopol Road Site has been a non-operational service station. Robert Barbieri, Redwood Oil, Gerald Sherman, Massud Ravenfar, Tito and Liliosa DeLeon, Charles and Benita Jeppson, and Ignacio and Idolina Alvarez are hereinafter collectively referred to as the Dischargers.
- 3. The 760 Sebastopol Road Site is located at the southeast corner of Sebastopol Road and West Avenue in the unincorporated area of Roseland in Santa Rosa, California. The 760 Sebastopol Road Site is bordered on the north, east, and west by commercial properties and on the south by residential properties. Roseland Elementary School is located one-half block to the west. Adjacent sites with petroleum hydrocarbon contamination commingled with contamination from the 760 Sebastopol Road Site are the former service station at the Wilson Baugh Enterprises site at 805 Sebastopol Road, and the current Tesoro Station No. 67109 (formerly Beacon Ultramar No. 489 site) at 921 Sebastopol Road. All three sites are within the McMinn State Superfund Area, an area of extensive petroleum hydrocarbon and chlorinated solvent contamination from numerous discharges at separate locations. The discharges have affected or threaten to affect dozens of domestic water-supply wells.

4. The Regional Water Board issued CAO Order No. 90-42 to Redwood Oil Company, Robert and Laura Barbieri, Gerald Sherman, and Massud Ravenfar for the 760 Sebastopol Road Site on March 8, 1990, for the release of fuel products at the service station. Separate-phase product was measured on groundwater at almost 8 feet thick in a State-constructed well (DTSC-7) on site in 1989.
5. In 1991, an interim separate-phase product recovery system was installed in MW-1 and DTSC-7 on site. Eight hundred twenty-five gallons of separate-phase product were removed from the two wells by April 1992.
6. In January 1992, an offsite monitoring well (MW-6) located downgradient on West Avenue contained approximately four feet of separate-phase product on the water table.
7. On March 24, 1992, Regional Water Board staff responded to reports received from the Santa Rosa Fire Department and other agencies that gasoline vapors were detected in buildings and sewer lines in Sebastopol Road near the service station. The vapors, which approached explosive limits, posed an immediate threat to public health and safety.
8. On April 1, 1992, the Regional Water Board issued CAO Order No. 92-52 to Redwood Oil Company, Robert and Laura Barbieri, Gerald Sherman, Massud Ravenfar and Tito DeLeon for the 760 Sebastopol Road Site. CAO Order No. 92-52 required the dischargers to submit a report of waste discharge for interim groundwater treatment at the facility, complete the definition of the vertical and horizontal extent of the contamination, and submit a final remedial action plan.
9. In October 1993, a groundwater remediation system was put in continuous operation at the 760 Sebastopol Road Site. The system removed separate-phase product from MW-1, DTSC-7 and MW-6. It also extracted and treated dissolved-phase petroleum hydrocarbons from MW-1 and DTSC-7. The system discharged to the sanitary sewer under permit.
10. By December 1995, a total of 945 gallons of separate-phase product had been removed from the subsurface via groundwater pumping or manual collection. In addition, over 875,000 gallons of petroleum-contaminated groundwater had been extracted and treated. In 1996 Regional Water Board staff requested a schedule for complete source removal, including separate-phase product removal and underground tank removal. Redwood Oil submitted a plan to reconfigure the groundwater extraction and treatment system for plume control and also submitted a schedule for a feasibility study and corrective action plan proposal. The existing groundwater treatment system was shut down because it was no longer economically feasible to operate due to the high costs of operating the bioreactor.
11. In spring and early summer 1998, separate-phase product was measured in DTSC-7 and MW-6 at up to 0.97 feet and 0.20 feet respectively. In August 1998 the three 4,000-gallon fuel underground storage tanks, product lines and dispensers were removed from the 760 Sebastopol Road Site. The oxygenates Methyl tert-Butyl Ether (MTBE) and Tert Butanol (TBA) were detected in soil samples collected from the pump island areas.

12. In early 2000, Redwood Oil began operation of a soil and groundwater remediation system consisting of five groundwater extraction wells, an air sparge system with 12 injection wells, and a soil vapor extraction system consisting of two components: a trench with horizontal slotted PVC pipe placed 7.5 feet below ground surface, and a vapor extraction well. By March 2002, over 4,000,000 gallons of contaminated groundwater had been extracted and treated.
13. MTBE is present in soil and groundwater beneath the 760 Sebastopol Road Site. The levels of MTBE and the proximity of drinking water wells cause the 760 Sebastopol Road Site to be prioritized as Priority Class A under the State Water Resources Control Board draft "Guidelines for Investigation and Cleanup of MTBE and Other Ether-Based Oxygenates." Interim remediation in the source areas has been conducted. The extent and degree of contamination has not been determined.
14. Additional responsible parties may exist, including past owners and/or operators. Continued review of the historical record, facts, and information may result in additional parties being named in this Order as Dischargers, in which case this Order will be revised.

Wilson Baugh Enterprises, 805 Sebastopol Road

15. From 1956 to 1983, property at 805 Sebastopol Road in Santa Rosa (hereinafter the 805 Sebastopol Road Site) was operated almost continuously as a service station. Roseland Village initially owned the 805 Sebastopol Road Site. Garden Investment purchased the 805 Sebastopol Road Site from Roseland Village in 1958 and, in 1964, sold 60/100^{ths} interest to the Stovall-Baugh Corporation. In 1973, the 805 Sebastopol Road Site was transferred to Wilson B. Baugh and Alberta D. Baugh. In 1992, Wilson B. Baugh and Alberta D. Baugh transferred the 805 Sebastopol Road Site to the Wilson B. Baugh and the Alberta D. Baugh Trust. Wilson B. Baugh and Alberta D. Baugh are deceased. The current owners of the 805 Sebastopol Road Site are the Baugh Survivor's Trust and James T. Baugh as Trustee.
16. In 1955, Tidewater Associated Oil Company (hereinafter Tidewater) signed a 30-year lease to operate the service station at the 805 Sebastopol Road Site. Tidewater was later acquired by Getty Oil. Getty Oil was subsequently acquired by Texaco Refining and Marketing, Inc. (Texaco). The 805 Sebastopol Road Site was operated as a Flying A Service Station from 1956 through 1967. From 1967 to 1973 the 805 Sebastopol Road Site operated as a Phillips 66 Service Station. In the late 1970s, the 805 Sebastopol Road Site was operated as a Jiffy Gas Station. In 1976, Phillips Petroleum Company (Phillips) assigned the lease to operate the station to Tosco Corporation (Tosco). In 1979, both Tosco and Tidewater terminated the lease agreement. The station last operated in 1983. James T. Baugh as Trustee, Texaco, Phillips, and Tosco are hereinafter collectively referred to as the Dischargers.
17. The 805 Sebastopol Road Site is located at the northwest corner of Sebastopol Road and West Avenue in the unincorporated area of Roseland in Santa Rosa, California. The 805 Sebastopol Road Site is within the Roseland Village Shopping Center and is bordered by commercial properties. Roseland Elementary School property is located approximately 125 feet southwest of the 805 Sebastopol Road Site. There are

adjacent sites with petroleum hydrocarbon contamination commingled with contamination from the 805 Sebastopol Road Site. The adjacent sites are the former Redwood Oil/BP Station at 760 Sebastopol Road, and the current Tesoro Station No. 67109 (formerly Beacon Ultramar No. 489 site) at 921 Sebastopol Road.

18. In 1988, three underground fuel tanks and a 250-gallon waste oil tank were removed from the 805 Sebastopol Road Site. Petroleum hydrocarbon contamination was observed around the USTs and confirmed by soil sampling. Both fiberglass and iron fuel line piping were observed. The presence of fiberglass fuel lines indicates that modifications to the original iron fuel lines had been performed since the initial installation. This is significant because it confirms reports in the record that Mrs. Baugh worked with Gerald Ayers in 1982 and 1983 to install new fuel lines at the station. The fuel lines and the pump islands have not been removed.
19. In August 1988, the California Department of Health Services (DHS) installed monitoring well MW-4 on the 805 Sebastopol Road Site to confirm the presence of petroleum hydrocarbon contamination downgradient of the former UST area. The 22-feet-deep well installation was part of a Phase 1 Remedial Investigation conducted by DHS to evaluate groundwater contamination within the McMinn Avenue State Superfund Area. Benzene was detected at 440 µg/l or parts per billion (ppb). Chlorinated solvents were also detected in the well at up to 350 ppb for tetrachloroethene (also known as perchloroethene or PCE). DHS, the Department responsible for this work, was later restructured and became the Department of Toxic Substances Control (DTSC).
20. In 1989 Regional Water Board staff requested Mrs. Baugh, acting on behalf of Wilson Baugh, to conduct an investigation and cleanup of the gasoline release based on the findings in the state well MW-4.
21. In 1992, in response to a request from the Regional Water Board, the U.S. Environmental Protection Agency (EPA) conducted a Site Assessment within the McMinn State Superfund Area. Cone penetrometer testing was conducted and soil and groundwater samples were collected. A groundwater sample at location EPA-11 collected from 14-16.5 feet below ground surface (bgs) in Sebastopol Road between the 805 Sebastopol Road Site and Roseland School revealed a benzene concentration of 330 ppb and a gasoline concentration of 18,000 ppb.
22. In 1993 and 1994, Regional Water Board staff issued letters to all parties believed to have responsibility for the necessary investigation and cleanup. These letters informed the parties of their status as responsible parties based on a thorough review of the historical records. The responsible parties named were the property owners - Mr. and Mrs. Wilson Baugh acting as Wilson Baugh Enterprises, and the former operators of the service station including Texaco, Phillips, and Tosco.
23. In 1995, Texaco, Phillips, and Tosco reached an agreement with Mrs. Baugh with respect to the investigation and cleanup of the 805 Sebastopol Road Site. Mrs. Baugh applied for and was accepted into the Cleanup Fund. Investigative work onsite commenced in 1995 with the installation of three monitoring wells. Analytical data

from sampling those wells confirmed the presence of gasoline-contaminated groundwater at the Site.

24. In 1996, Mrs. Baugh, together with her attorneys and her consultant (hereinafter Baugh Parties), and acting on her own behalf, met with the Regional Water Board Executive Officer and Regional Water Board staff to question their designation as responsible parties. Mrs. Baugh indicated her belief that the Baugh's have little or no responsibility for the petroleum hydrocarbon contamination. Mrs. Baugh agreed to submit a technical report in support of this conclusion.
25. On April 22, 1996, Regional Water Board staff notified the Baugh Parties, Texaco, Phillips and Tosco that Mrs. Baugh had requested to be released from designation as a responsible party. This request was based on Mrs. Baugh's assertions that:
 - The release was the responsibility of the tenant oil companies;
 - The release was minimal; and
 - The contamination on her property was largely impacted by contamination originating from neighboring service station sites.Regional Water Board staff concluded that the Baugh Parties' request for removal as a Responsible Party would likely be contested by other parties within the McMinn State Superfund Area. Staff therefore scheduled a hearing before the Regional Water Board.
26. The Technical Summary Report prepared for Wilson Baugh Enterprises was received on August 1, 1996. The report concluded the petroleum contamination on Mrs. Baugh's property was primarily due to the migration of petroleum hydrocarbon contamination from off site. This conclusion (if valid) might have supported a Regional Water Board decision to release Texaco, Phillips, Tosco, and Wilson Baugh Enterprises from any further action at the 805 Sebastopol Road Site. In that case, the responsibility for assessment and remedial action at the 805 Sebastopol Road Site would have been the responsibility of the responsible parties for the Ultramar/Beacon Station and the Redwood Oil/BP Station.
27. In preparation for a scheduled January 1997 Regional Water Board Hearing to consider the Baugh Parties' request, Regional Water Board staff prepared an Executive Officer's Summary Report (EOSR) on the "Consideration of Request by the Baugh Parties for Removal of Responsibility for Investigation and Cleanup of Petroleum Releases at the Site." Staff did not concur with the request of the Baugh Parties. Staff recommended the continuation of monitoring and offsite characterization of the gasoline plume followed by development of a Corrective Action Plan.
28. In January 1997, the Regional Water Board Hearing for consideration of the Baugh Parties' request was cancelled because Texaco, Phillips and Tosco submitted a Feasibility Study and Corrective Action Plan containing new information that required sufficient review time for adequate consideration by all interested parties. These parties included the Redwood Oil/BP Station parties and the Ultramar Beacon parties.
29. In February 1997, Ultramar, Redwood Oil, the Baugh Parties, Texaco, Phillips and Tosco met with Regional Water Board staff to discuss the Feasibility Study and Corrective Action Plan submitted by the lessee oil companies for the 805 Sebastopol Road Site. The meeting

concluded with Regional Water Board staff agreeing to investigate preferential pathways, including utility lines, underlying Sebastopol Road as well as agreeing to conduct field work on Roseland Elementary School property where all three plumes appeared to commingle. The Responsible Parties also agreed to begin discussions regarding an application to the Commingled Plume Account.

30. MTBE is present in groundwater beneath the 805 Sebastopol Road Site at levels up to 33 ppb. However, there is no compelling information that the 805 Sebastopol Road site is the source of this MTBE. Interim remediation in the source area has not occurred. The extent and degree of impact has not been determined.
31. No separate-phase hydrocarbons in groundwater have been found on the 805 Sebastopol Road property.
32. Additional responsible parties may exist, including past owners and/or operators. Continued review of the historical record, facts, and information may result in additional parties being named in this Order as Dischargers, in which case this Order will be revised.

Tesoro Station No. 67109 (formerly Beacon Ultramar No. 489), 921 Sebastopol Road

33. Phillip M. Bressler and Thomas Pierce purchased the property in 1966 (hereinafter the 921 Sebastopol Road Site). Under the terms of a 20-year lease, Beacon Oil Company constructed a service station in 1966 and began retail operations in 1967. The lease was renewed in 1986 with Gerta Abeles, Maureen L. Ginsburgh and Phillip M. Bressler as lessors and Beacon Oil Company as lessee. In 1989 Beacon Oil Company underwent a corporate name change to Ultramar, Inc. (Ultramar). Ultramar owned and operated Beacon Service Station No. 489 until May 2002 when ownership of the station was transferred to Tesoro Refining and Marketing Company (Tesoro). On December 20, 2002, Tesoro transferred ownership to Flyers Beacon LLC (Flyers) and Nella Oil Company LLC (Nella). Flyers is the purchaser of the land and Nella is the purchaser of the equipment. The current landowners are the Philip Bressler Trust et al. and Phillip M. Bressler as Trustee. The service station operates underground gasoline fuel tanks. The above parties, Ultramar, Tesoro, Flyer, Phillip Bressler Trust, and Philip M. Bressler as Trustee, are hereinafter collectively referred to as the Dischargers for the Site at 921 Sebastopol Road.
34. The Site is located at 921 Sebastopol Road near the Sebastopol Road/West Avenue intersection, and is in the unincorporated area of Roseland in Santa Rosa, California. The 921 Sebastopol Road Site is bordered on the north, east, and west by commercial properties and on the south, across Sebastopol Road, by Roseland Elementary School. Adjacent sites with petroleum hydrocarbon contamination commingled with contamination from the 921 Sebastopol Road Site are the former service station at the Wilson Baugh Enterprises property at 805 Sebastopol Road, and the Redwood Oil/BP Station at 760 Sebastopol Road.
35. On March 26, 1992, the Regional Water Board issued CAO Order No. 92-49 to Ultramar for the 921 Sebastopol Road Site due to the release of fuel products from the station, which entered a sanitary sewer line. This release caused the County to declare a local state of emergency on March 31, 1992, due to the buildup of potentially explosive vapors in the sewer line.

36. The leaking gasoline tanks and lines were subsequently removed and, by April 4, 1992, a groundwater remediation system (utilizing a recovery trench and three recovery wells) was installed. In October 1992, Ultramar installed a soil vapor extraction system.
37. In August 1994, the Regional Water Board issued Order No. 94-118 for complete source delineation and final cleanup actions. Benzene levels in groundwater remained as high as 6,100 ppb.
38. In March 1995, Ultramar ceased operating the soil vapor extraction system and the groundwater extraction system due to increasing amounts of offsite contamination detected in the extraction wells including cis-1,2-dichloroethene and vinyl chloride, breakdown products of a regional PCE plume. By the end of March 1995 approximately 1,214,000 gallons of groundwater containing dissolved-phase hydrocarbons had been extracted and treated. In addition, approximately 97 gallons of gasoline had been removed from the soil vapor extraction system. Ultramar then modified the system to allow air sparging and bioventing into the current remediation network.
39. Ultramar discontinued system operations on October 5, 2001, and removed the above-ground equipment in the system compound prior to May 2002 when ownership of the station was transferred to Tesoro. Plans are being made to restart the system after replacing the blower, air compressor, and electric panel.
40. In December 1997, MTBE and TBA were detected at up to 2,700 ppb and 460 ppb, respectively, in onsite wells.
41. MTBE is present in groundwater beneath the 921 Sebastopol Road Site. The levels of MTBE and the proximity of drinking water wells cause the 921 Sebastopol Road Site to be prioritized as Priority Class A under the State Water Resources Control Board draft "Guidelines for Investigation and Cleanup of MTBE and Other Ether-Based Oxygenates." Interim remediation in the source areas has been conducted. The extent and degree of contamination has not been determined.
42. Additional responsible parties may exist, including past owners and/or operators. Continued review of the historical record, facts, and information may result in additional parties being named in this Order as Dischargers, in which case this Order will be revised.

The Sebastopol Road Commingled Plume Group, 760-805-921 Sebastopol Road

43. In 1994 and 1995, remedial investigations conducted separately by consultants for the 921 Sebastopol Road Site, the 805 Sebastopol Road Site, and the 760 Sebastopol Road Site documented extensive petroleum hydrocarbon contamination underlying Sebastopol Road and on properties south or west of all three sites including the Roseland Elementary School. Groundwater flow directions revealed a convergence of groundwater flow toward Roseland Elementary School.

44. In September 1995, Ultramar requested information from the Regional Water Board Executive Officer regarding the implementation of existing legislation for commingled plumes. The Executive Officer subsequently informed management of the Cleanup Fund of the Regional Water Board's interest in a coordinated approach and that a Commingled Plume Program would be an appropriate vehicle for the three sites to coordinate on a cleanup project.
45. In Summer and Fall of 1997, Regional Water Board staff conducted a soil and groundwater investigation on Roseland Elementary School property and in Sebastopol Road between the 805 Sebastopol Road Site and the School. The purpose of this investigation was to determine the sources of the petroleum hydrocarbon contamination underlying Roseland School. Staff issued a report on the investigation in 1998. Staff concluded that all three sites contributed to contamination underlying Roseland School and that a coordinated effort to evaluate and remediate the area would be far more efficient and economical than separate and individual investigations and cleanups.
46. In March 1998, Regional Water Board staff notified all parties for all three sites that releases of fuel from the three sites had resulted in a commingled petroleum hydrocarbon plume downgradient of the properties.
47. In July 1999, Redwood Oil, Ultramar, and the "805 Group" signed an Agreement of Coordinated Corrective Action for inclusion in the application for the commingled plume claim. The "805 Group" consisted of representatives for Texaco, Tosco, Phillips and James Baugh for Wilson Baugh Enterprises.
48. In 2000, Regional Water Board staff provided to the Cleanup Fund the documentation that a commingled plume existed. This documentation was required by the Commingled Plume Account to support the joint Application. With the written Agreement of Coordinated Corrective Action in place, the Cleanup Fund requested the claimants to begin incurring joint costs. This group of claimants is now known as the Sebastopol Road Commingled Plume Group (Commingled Group Site). This was the name chosen by the joint claimants on the Commingled Plume application. These claimants are Redwood Oil, Ultramar, and the 805 Group.
49. In August 2001, the Regional Water Board Executive Officer issued a 13267(b) Order to the Commingled Group Site, along with responsible parties for 14 other sites in the McMinn State Superfund Area. This Order required coordinated monitoring and sampling of monitoring wells on specified dates and for specific analyses for a period of one year.
50. In August 2001, the Regional Water Board Executive Officer issued another 13267(b) Order to the Commingled Group Site requiring the submittal of a workplan to complete the investigation of the commingled petroleum hydrocarbon plume.
51. In October 2002, the Commingled Group Site conducted a cone penetrometer testing investigation to determine the vertical and horizontal extent of the petroleum hydrocarbon contamination. Analytical results indicate the following:
 - The MTBE plume is laterally more extensive than the BTEX plume;
 - Multiple aquifers are affected by MTBE; and

- MTBE contamination extends to at least 67 feet bgs and approximately 900 feet in length.
52. Numerous water-supply wells exist in the downgradient vicinity of the Commingled Group Site. There are nine known wells in this area that are contaminated with MTBE. The nearest domestic well with MTBE contamination is located at 724 West Avenue, approximately 350 feet to the south of the Commingled Group Site. In addition, there is a water-supply well in an apartment complex at 880-888 West Avenue, which is approximately 900 feet south of the Commingled Group Site. The well is the sole source of water for the residents of the apartment complex. MTBE has been detected twice in this well. Regional Water Board staff has requested the Commingled Group Site to provide the apartment complex with an alternative water supply.
53. Existing and potential beneficial uses of the areal groundwater include domestic, agricultural, industrial and municipal water supply. The groundwater recharges tributaries to the Laguna de Santa Rosa and the Russian River, which support additional beneficial uses as designated in the Water Quality Control Plan for the North Coast Region.
54. The Dischargers named in this Order have caused or permitted, cause or permit, or threaten to cause or permit waste to be discharged where it is, or probably will be, discharged into waters of the State and creates, or threatens to create, a condition of pollution or nuisance. The discharge and threatened discharge of contaminants has unreasonably affected water quality in that the discharge or threatened discharge is deleterious to the above described beneficial uses of State waters, and has impaired water quality to a degree which creates a threat to public health and public resources and therefore, constitutes a condition of pollution or nuisance. These conditions threaten to continue unless the discharge or threatened discharge is permanently cleaned up and abated.
55. The California Water Code (CWC), and regulations and policies developed thereunder, require cleanup and abatement of discharges and threatened discharges of waste to the extent feasible. Cleanup to background levels is the presumptive standard. Any proposed alternative that will not achieve cleanup to background levels (i.e., water quality objectives), must be supported with evidence that it is technologically or economically infeasible to achieve background levels, and that the pollutant will not pose a substantial present or potential hazard to human health or the environment for the duration of the exceedence of background levels (SWRCB Res. 68-16 and 92-49, Title 23, California Code of Regulations section 2550.4, subds. (c), and (d).)
56. Water quality objectives in the Basin Plan are adopted to ensure protection of the beneficial uses of water. The most stringent water quality objectives for protection of all beneficial uses are selected as the protective water quality criteria. Alternative cleanup and abatement actions need to be considered that evaluate the feasibility of, at a minimum: (1) cleanup to background levels, (2) cleanup to levels attainable through application of best practicable technology, and (3) cleanup to protective water quality criteria levels. **Exhibit 1**, attached to and made part of this Order, sets out the applicable water quality objectives for groundwater for this Site.
57. Discharge prohibitions contained in the Basin Plan apply to the Commingled Group Site. State Water Resources Control Board Resolution 68-16 applies to the Commingled Group

Site. State Water Resources Control Board Resolution 92-49 applies to the Commingled Group Site and sets out the “Policies and Procedures for Investigation and Cleanup and Abatement of Discharges under Section 13304 of the California Water Code.”

58. The Water Quality Control Plan for the North Coast Region (Basin Plan) Resolution No. 93-59 applies to this Commingled Group Site, which states “With respect to all underground storage tanks in this Region, the Regional Water Board’s highest priority will be to eliminate pollutant sources through tank removal, free product removal, and removal of contaminated soil to the extent practicable.”
59. Reasonable costs incurred by Regional Water Board staff in overseeing cleanup or abatement activities are reimbursable under Section 13304(c)(1) of the CWC.
60. The plans and technical reports required by this Order are necessary to ensure that the prior harm and future threat to water quality created by the discharges described above are properly abated and controlled. More detailed information is available in the Regional Water Board’s public file on this matter.
61. The Regional Water Board will ensure adequate public participation at key steps in the remedial action process, and shall ensure that concurrence with a remedy for cleanup and abatement of the discharges at the site shall comply with the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) (CEQA).
62. The issuance of this Cleanup and Abatement Order is an enforcement action being taken for the protection of the environment and, therefore, is exempt from the provisions of the CEQA in accordance with Title 14, California Code of Regulations, Sections 15308 and 15321.
63. Failure to comply with the terms of this Order may result in enforcement under the CWC. Any person failing to provide technical reports containing information required by this Order by the required date(s) or falsifying any information in the technical reports is, pursuant to CWC Section 13268, guilty of a misdemeanor and may be subject to administrative civil liabilities of up to one thousand dollars (\$1,000.00) for each day in which the violation occurs. Any person failing to cleanup or abate threatened or actual discharges as required by this Order is, pursuant to CWC Section 13350(e), subject to administrative civil liabilities of up to five thousand dollars (\$5,000.00) per day or ten dollars (\$10) per gallon of waste discharged.
64. Any person affected by this action of the Board may petition the State Water Resources Control Board to review the action in accordance with Section 13320 of the CWC and Title 23, California Code of Regulations, Section 2050. The petition must be received by the State Water Resources Control Board within 30 days of the date of this Order. Copies of the law and regulations applicable to filing petitions will be provided upon request. In addition to filing a petition with the State Water Resources Control Board, any person affected by this Order may request the Regional Water Board to reconsider this Order. To be timely, such request must be made within 30 days of the date of this Order. Note that even if reconsideration by the Regional Water Board is sought, filing a petition with the State Water Board within the 30-day period is necessary to preserve the petitioner's legal rights. If the Dischargers choose to appeal the Order, the Dischargers are advised that they must comply with the Order while the appeal is being considered.

THEREFORE, IT IS HEREBY ORDERED that CAO Order No. 92-52 for the 760 Sebastopol Road Site and CAO Order No. 94-118 for the 921 Sebastopol Road Site are rescinded and, pursuant to CWC Sections 13267(b) and 13304, the Dischargers shall cleanup and abate the discharge and threatened discharge of waste by complying with the following tasks:

- A. Provide the apartment complex at 880-888 West Avenue with an alternative potable water supply forthwith.
- B. By **August 25, 2003**, submit a workplan to complete the definition of the extent of petroleum hydrocarbon contamination from the Commingled Group Site. The workplan shall include a proposal for the installation of sufficient monitoring well clusters to properly monitor shallow and deep groundwater to determine water level elevations and contaminant concentration trends over time. The workplan shall also include a conceptual model of the Commingled Group Site.
- C. By **August 25, 2003**, submit a list of interested party names and addresses, including contiguous landowners and all owners and operators of wells identified as within or near the commingled plume.
- D. By **August 25, 2003**, submit an acceptable proposal for a Public Participation Program (PPP), designed to communicate information to the community and interested parties on the investigation, the selected remedies for cleaning up and abating the contamination, the expected time schedule for completion of the cleanup, plus the findings from the air sampling field work. The PPP shall include a combination of methods to communicate to nearby residents and interested parties. These methods should include both written status reports and informational public meetings at suitable locations in the area (such as the Roseland Elementary School).
- E. By **September 25, 2003**, submit a Soil and Groundwater Corrective Action Plan (CAP) according to the requirements of the California Code of Regulations, Title 23, Section 2725. For groundwater, the CAP must include proposals to abate contaminant source areas and mitigate offsite impacts. Offsite work is to include cleanup and abatement of the petroleum hydrocarbon contamination on Roseland Elementary School property. For soil, the CAP must include proposals to remove or abate remaining vadose zone petroleum hydrocarbon contamination to the maximum extent practicable. These proposals shall include abatement of any affected soil under the existing station buildings as well as removal of the pump islands and remaining underground product piping on the 805 Sebastopol Road Site. In the development of the CAP, it will be necessary to coordinate with the South Park County Sanitation District on cleanup plans, technologies, and schedules.
- F. By **September 25, 2003**, submit an acceptable proposal to conduct yearly indoor air sampling in Roseland Elementary School for petroleum and halogenated volatile organic compounds.
- G. Complete any additional work deemed reasonably necessary by the Regional Water Board Executive Officer to abate and cleanup the discharge of waste.

- H. If, for any reason, the Discharger is unable to perform any activity or submit any documentation in compliance with the work schedule set forth herein or in compliance with any schedule submitted pursuant to the Order and approved by the Executive Officer, the Discharger may request, in writing, a time extension. The extension request must be submitted at least 15 days in advance of the due date and must include justification for the delay.

Ordered by _____

Susan A. Warner
Executive Officer

July 18, 2003

Figure 1



Sebastopol Road Commingled Plume Group site map